

Panaji, 25th September, 1980 (Asvina 3, 1902)

SERIES I No. 26



OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Notification

1/1/74-PER(i)

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs Notification No. F.7(11)/62-Goa dated 25th July, 1963, the Lt. Governor of Goa, Daman and Diu is pleased to make the following rules relating to recruitment to Group 'C' Ministerial, Non-Gazetted posts in the Secretariat, under the Government of Goa, Daman and Diu.

1. Short title.— These rules may be called Government of Goa, Daman and Diu, Secretariat, Group 'C' Ministerial, Non-Gazetted posts Recruitment Rules, 1980.

2. Application.— These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. Number, classification and scale of pay.— The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. Method of recruitment, age limit and other qualifications.— The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- (a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time;
- (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule;
- (c) *Saving:* Nothing in these rules shall affect reservations, relaxation of age-limit and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.
- 5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date.
- 6. These rules are issued in supersession of the rules existing for the posts.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 18th September, 1980.

SCHEDULE

Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age & Educational Qualifications prescribed for the direct recruit will apply in the case of promotees	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/ deputation/transfer is to be made	If a D. P. C./ D. S. C. exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
Private Secretary to Chief Minister/Ministers.	6	Group 'C' Ministerial Non-Gazetted.	Rs. 650-30- -740-35- -880-EB- -40-960.	N. A.	N. A.	N. A.	N. A.	N. A.	By transfer or by ad-hoc appointment or by deputation.	<i>By transfer:</i> From amongst the staff of the Secretariat or other Government Departments holding analogous posts in this Administration. <i>By ad-hoc appointment:</i> Any person who is not a Govt. servant can be appointed at the choice of the Minister concerned. The term of such appointment will however be coterminous with the term of the Ministry/Minister and the appointee will have no right to any post in the Govt. service. <i>By deputation:</i> Any official holding analogous post or a Senior Stenographer can be brought on deputation from any Dept. or office of this Administration or any State Govt. or Central Govt. provided the term of deputation does not exceed 3 years in the first instance.	N. A.	N. A.

Planning Department

Notification

4-7-78-PLG

In exercise of the powers conferred by sub-section (1) of Section 8 of the Census Act 1948 (Act No. 37 of 1948), the Lieutenant Governor of Goa, Daman and Diu hereby authorise all Census Officers in the Union Territory of Goa, Daman and Diu, to ask all persons within the limits of the local area for which they have been specifically appointed, the questions necessary for collecting information in respect of enumeration operation of 1981 Census as enumerated in the schedules appended hereto.

SCHEDULE

Individual Slip:

Universal

1. Name
2. Relationship to head
3. Male/Female
4. Age
5. Marital status
6. Mother-tongue
7. Two other languages known
8. Religion
9. Whether Scheduled Caste or Scheduled Tribe
10. Name of Caste/Tribe
11. Literate/Illiterate
12. Educational attainment
13. Attending school/college
- 14A. Worked any time at all last year?
- 14B. If yes in 14A, did you work for major part of last year?
- 15A. Main activity last year.

If household industry/other work in 15A
 (i) Name of establishment
 (ii) description of work
 (iii) nature of industry, trade or service
 (iv) class of worker.

- 15B. If yes in 14B, any other work any time last year?
 If no in 14B, work done any time last year?

If household industry/other work in 15B,
 (i) Name of establishment
 (ii) description of work
 (iii) nature of industry, trade or service
 (iv) class of worker.

16. If no in 14A or 14B, seeking/available for work?

Sample:

1. Birth place
 - a) place of birth
 - b) rural/urban
 - c) district
 - d) State/country
2. Last residence
 - a) place of last residence
 - b) rural/urban
 - c) district
 - d) State/country
3. Reasons for migration from place of last residence.
4. Duration of residence at the village or town of enumeration.

5. For all ever-married women only
 - a) Age at marriage
 - b) Number of children surviving at present
Male/female/total
 - c) Number of children ever born alive
Male/female/total
6. For currently married women only
Any child born alive during last one year?

Household Schedule:

Part I: Household Particulars:

1. Name of head of household.
2. Religion of the head of household.
3. Whether head of household belongs to Scheduled Caste or Scheduled Tribe.
4. Name of caste/tribe of head of household.
5. Language mainly spoken in the household.
6. Does the household live in owned house?
7. If 'No' in 6, does the household own a house or house site in the village or town of enumeration?
8. Predominant construction material of the house occupied by household:
 - a) wall,
 - b) roof,
 - c) floor.
9. Facilities available to the household:
 - a) Drinking water supply
 - (i) source
 - (ii) within premises/outside premises
 - b) Electricity
 - c) Toilet (for urban areas only).
10. Number of living rooms in occupation of household.
11. Number of married couples usually living in the household.
12. Does the household cultivate land?
13. If 'yes' in 12, whether owned/rented/owned and rented.
14. If rented, enter local name of tenancy.
15. Total population of household.

Part II: Population Record:

1. Name
2. Relationship to head (indicate serial number of mother within brackets if present in the household for children upto ten years).
3. Sex
4. Age
5. Marital status

By order and in the name of the Lt. Governor
of Goa, Daman and Diu.

Dr. J. C. Almeida, Development Commissioner.

Panaji, 16th September, 1980.

Works, Education and Tourism Department

Notification

14/10/80-WET

In exercise of the powers conferred by Section 46 of the Goa, Daman and Diu Secondary and Higher Secondary Education Board Act, 1975 (Art. 13 of 1975), the Administrator of Goa, Daman and Diu hereby makes the following rules so as to amend the Goa, Daman and Diu Secondary and Higher

Secondary Education Rules, 1975 as follows namely:—

1. Short title and commencement.—(1) These rules may be called the Goa, Daman and Diu Secondary and Higher Secondary Education (Amendment) Rules, 1980.

(2) They shall come into force at once.

2. Amendment of rule 2.—In rule 2 of the Goa, Daman and Diu Secondary and Higher Secondary Education Rules, 1975 (hereinafter referred to as the "Principal Rules")—

(i) after clause (iv) the following shall be inserted, namely:—

"(iv a) "Fund" means the Board's Contributory Provident Fund".

(iv b) "Permanent employee" means an employee confirmed in a permanent post on which no other employee of the Board has a lien.

(iv c) "Salary" includes pay, special pay, leave salary and subsistence grant of the employee of the Board.

(ii) after clause (viii), the following shall be inserted, namely:—

(viii a) Words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. Insertion of new rule.—After rule 48 of the Principal Rules, the following shall be inserted namely:—

48(A) Contributory Provident Fund for the permanent employee of the Board.—(1) Any whole-time employee of the Board temporarily appointed in the first instance and subsequently confirmed in the permanent post, shall be admitted to the benefits of the Fund from the date of his temporary appointment, provided that there has been no break between the termination of the temporary appointment and the commencement of the permanent appointment.

(A) Contribution to the Fund

(2) Subscription to the Fund shall be at a uniform rate of eight per cent of the salary of the subscriber rounded off to the nearest rupee. Such subscription shall be deducted monthly from the salary of the subscriber and the amount so deducted shall be paid into the Fund, to the credit of the subscriber. An employee of the Board on leave on full pay shall continue to pay his subscription. If he is on leave on less than full pay, he may continue to do so, at his option which should be given in writing to the Secretary of the Board before he proceeds on leave. The subscription of a subscriber on leave, shall be the same as was paid by him just before proceeding on leave.

(3) The Board's contribution to the Fund at the rate of 8% of the subscription salary rounded off to the nearest rupee shall be made in arrears at the beginning of the next month.

If the subscriber opts for not subscribing towards the fund as per clause (2) above, the Board also shall not contribute towards the fund to that extent.

(4) When the amount standing in the Fund to the credit of a subscriber who has been dismissed from the services of the Board for what, in the opinion of the Chairman is misconduct, become payable, the Executive Council may direct that the whole or any part of the contributions of Board, and of any interest accrued thereon, be deducted from the amount standing to the credit of the subscriber, and be paid to the Board.

(5) When the amount standing in the Fund to the credit of a subscriber becomes payable, the Chairman may direct that any amount due under a liability incurred by the subscriber to the Board with interest thereon, be deducted from the amount standing to the credit of the subscriber after making deduction, if any, as per clause (4) above, and be paid to the Board.

(6) When the amount standing in the Fund to the credit of a subscriber who has resigned his service in the Board before completing three years, become payable, the Executive Council may direct that the whole or any part of the contribution of the Board, and of any interest accrued thereon, be deducted from the amount standing to the credit of that subscriber, and be paid to the Board.

(B) Annual Statement

(7) As soon as possible after 31st July each year, the Secretary of the Board shall send to each subscriber a statement of his account in the Fund showing the opening balance as on 1st July of the year, the total amount credited or debited during the year and the closing balance at the end of the year i.e. on 30th June.

(8) Subject to any deductions under clauses (4), (5) and (6) above, the amount standing in the Fund to the credit of a subscriber shall become payable:—

(i) On the death of the subscriber before quitting the service, or

(ii) On the subscriber's ceasing to be in the service of the Board.

(9) Manner of payment of the amount in the Fund.—The amount standing to the credit of the subscriber in the Fund, or the balance thereof after any deduction under clauses (4), (5) and (6) above, shall be paid on receipt of a written application in this behalf from the nominee/nominees or the subscriber. The amount may be paid within six months of the occurrence of the event necessitating the final payment. The interest on the balance payable shall be upto a maximum period of six months.

(10) (i) The Chairman, at his discretion, may sanction the payment to any subscriber, of an advance consisting of a sum of whole rupees and not exceeding the amount of his

subscription standing to his credit in the Fund, for the following purposes:

- (a) To pay expenses in connection with the illness or confinement of the subscriber or of member of his family; or
- (b) For any other reason which, in the opinion of the Chairman, is extraordinary and beyond the ordinary means of the subscriber;
- (ii) The amount of an advance shall be recovered in such number of equal monthly instalments as the Chairman may direct but such number shall not be more than twenty-four. Each instalment shall be in number of a whole rupee. Furthermore, the sum of interest to the extent as it would have occurred if the sum of advance had not been withdrawn from the Fund shall be recovered from the subscriber to whom advance was granted, in the last two instalments. The recovery shall commence with the issuance of pay, leave salary, subsistence grant for the month following the one in which the advance was drawn.
- (11) The Chairman may advance to a subscriber, a sum not exceeding one half of the subscription payable by the subscriber to the Fund, in the calendar year in which the sum is paid, to meet payments towards insurance policies approved by the Chairman. Except when otherwise specified by the Chairman, such sum shall not be treated as repayable advance, and such policies shall be assigned by the subscriber to the Board.
- (12) The Chairman may grant a non-repayable advance to a subscriber at any time after completion of twenty years of service in the Board or within ten years before the days of his retirement on superannuation, whichever is earlier consisting of a sum of whole rupees and not exceeding 75% of the amount of his subscription together with interest thereon, standing to his credit in the Fund. This advance shall be paid from the amount of subscription and interest thereon, standing to the credit of the subscriber in the fund, for one or more of the following purposes:
 - (a) Meeting the cost of higher education, including where necessary, the travelling expenses of any child of the subscriber in the following cases, namely:
 - (i) For education outside India for academic, technical, professional or vocational course beyond the High School stage; and
 - (ii) For any medical, engineering or other technical or specialised course in India beyond the High School stage provided that the course of study is for not less than three years.
 - (b) Meeting the expenditure in connection with the marriage of the subscriber's sons or daughters and any other female relation actually dependent on him.
 - (c) Meeting the expense in connection with illness, including where necessary, the travelling expenses, of the subscriber and mem-
- (d) Building or acquiring a suitable house of his residence including the cost of the site or repaying any outstanding amount on account of loan expressly taken for this purpose, or reconstructing, or making addition to a house already owned or acquired by a subscriber.
- (e) Purchasing a house site or repaying any outstanding amount on account of loan expressly taken, for this purpose.
- (f) For acquiring a farmland or business premises or both within six months before the date of the subscriber's retirement.
- (13) Each subscriber on joining the Fund, shall furnish a nomination in schedule I appended to this rule, showing how he wishes the amount to his credit in the Fund to be disposed off on his death, provided that if he has a family or at any time after joining the Fund acquires a family, he shall be precluded from nominating a person who is not a member thereof. Such nomination may at any time be revoked by the subscriber and replaced by a fresh nomination. A nomination will be operative only on being received by the Board.
- (14) Subject to any deductions under clauses (4), (5) and (6) above, on the death of a subscriber, before quitting the service, the amount standing to his credit in the Fund shall become payable to his nominee or nominees in the proportion specified in the nomination made by the subscriber in accordance with the provision of clause (13) above, on such payment being made, the Board shall be absolved from all liability in connection therewith.
- (15) For the purpose of clauses (12), (13) and (14) above, only the following persons shall be held to constitute a subscriber's family, namely, his wife, his children, and the widow and the children of deceased sons.
- (16) Every subscriber shall be bound by this rule and shall sign an agreement in the schedule II appended to this rule.
- (17) The Executive Council, may from time to time, issue such general or special directions as may be consistent with this rule as to:
 - (i) the conduct of the business of the Fund;
 - (ii) any matter relating to the Fund or the investments of sums at the credit of the Fund, or the privileges of the subscribers not herein expressly provided for; or vary or cancel any directions given by them.

SCHEDULE I

[See rule 48 (A) (13)]

Forms of Nomination

I. When the subscriber has a family and wishes to nominate one member thereof.

I hereby nominate the person mentioned below, who is a member of my family to receive the amount that may stand to my credit in the Fund, in the event of death before

that amount has become payable, or having become payable, has not been paid: —

Name and address of Nominee	Relationship with Subscriber	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person/persons, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber

Dated this ... day of ... 19 ... at ...

Signature of two witnesses

Signature of subscriber

1. ...

2. ...

II. When the subscriber has a family and wishes to nominate more than one member thereof.

I hereby nominate the persons mentioned below, who are members of my family to receive the amount that may stand to my credit in the Fund, in the event of death before that amount has become payable, or having become payable has not been paid and direct that the said amount shall be distributed among the said persons in the manner shown below against their names.

Name and address of Nominees	Relationship with Subscriber	Age	*Amount or share of accumulations to be paid to each	Contingencies on the happening of the nomination shall become invalid	Name, address and relationship of the person/persons, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber

Dated this ... day of ... 19 ... at ...

Signature of two witnesses

Signature of subscriber

1. ...

2. ...

*Note: This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

III. When the subscriber has no family and wishes to nominate one person.

I, having no family, hereby nominate the person mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable or having become payable has not been paid.

Name and address of Nominee	Relationship with Subscriber	Age	*Contingencies on the happening of the nomination shall become invalid	Name, address and relationship of the person/persons, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber

Dated this ... day of ... 19 ... at ...

Signature of two witnesses

Signature of subscriber

1. ...

2. ...

*Note: Where a subscriber who has no family makes no nomination, he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family.

IV. When the subscriber has no family and wishes to nominate more than one person.

I, having no family, hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount shall be distributed among the said persons in the manner shown below against their names.

Name and address of Nominees	Relationship with Subscriber	Age	*Amount or share of accumulations to be paid to each	**Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person/persons, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber

Dated this ... day of ... 19 ... at ...

Signature of two witnesses

Signature of subscriber

1. ...

2. ...

*Note: This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

**Note: Where a subscriber who has no family makes a nomination he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family.

SCHEDULE II

[See rule 48 (A) (16)]

I hereby declare that I have read and understood the contents of rule 48 (A) of the Goa, Daman and Diu Secondary and Higher Secondary Education Rules 1975, and I hereby undertake to subscribe to the Fund and agree to be bound by the said rule.

Signature ...

Name ...

Designation ...

Witness ...

Address ...

Dated ...

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary (Works, Education & Tourism).

Panaji, 10th September, 1980.

Law Department (Legal Advice)

Notification

6/11/80-LGL

In exercise of the powers conferred by sub-section (2) of section 1 of the Goa, Daman and Diu (Extension of the Powers of Attorney Act) Act, 1980 (Act No. 10 of 1980), the Government of Goa, Daman and Diu hereby appoints the twenty-fifth day of September, nineteen hundred and eighty as the date on which the said Act shall come into force.

By order and in the name of the Administrator of Goa, Daman and Diu.

R. V. Durbhatker, Under Secretary (Law).

Panaji, 18th September, 1980.

Government of India
Notification
G.O.M.R. No. 7/1/80-LGL

The following Ordinance which was recently promulgated by the President of India on 21-8-1980 is hereby republished for general information of the public.

R. V. Durbhakher, Under Secretary (Law).

Panaji, 8th September, 1980.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
Ministry of Law, Justice and Company Affairs
Legislative Department

New Delhi, the 21st August, 1980

Srawana 30, 1902 (Saka)

**THE PAYMENT OF BONUS (AMENDMENT)
ORDINANCE, 1980**

No. 10 of 1980

Promulgated by the President in the Thirty-first
Year of the Republic of India

An Ordinance further to amend the Payment of
Bonus Act, 1965.

Whereas Parliament is not in session and the
President is satisfied that circumstances exist which
render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred
by clause (1) of article 123 of the Constitution,
the President is pleased to promulgate the following
Ordinance:

1. Short title and commencement.—(1) This
Ordinance may be called the Payment of Bonus
(Amendment) Ordinance, 1980.

(2) It shall come into force at once.

2. Act 21 of 1965 to be temporarily amended.—
During the period of operation of this Ordinance,
the Payment of Bonus Act, 1965 (hereinafter
referred to as the principal Act) shall have effect
subject to the amendments specified in sections 3
to 21.

3. Amendment of section 2.—In section 2 of the
principal Act,—

(a) in sub-clause (a) of clause (4), after the
words "being a company", the brackets and
words "(other than a banking company)" shall
be inserted;

(b) in clause (8), after the figures
"1970,", the words, figures and brackets
"any corresponding new bank consti-
tuted under section 3 of the Banking
Companies (Acquisition and Transfer
of Undertakings) Act, 1980," shall be
inserted.

4. Substitution of new section for section 4.—
For section 4 of the principal Act, the following
section shall be substituted, namely:—

4. Computation of gross profits.—The gross
profits derived by an employer from an establish-
ment in respect of the accounting year shall

(a) in the case of a banking company, be
calculated in the manner specified in the First
Schedule;

(b) in any other case, be calculated in the
manner specified in the Second Schedule.

5. Amendment of section 6.—In section 6 of the
principal Act,—

(a) in clause (b), for the words "development
rebate or development allowance", the words
"development rebate or investment allowance
or development allowance" shall be substituted;

(b) in clause (d), for the words "Second
Schedule", the words "Third Schedule" shall be
substituted.

6. Amendment of section 7.—In section 7 of the
principal Act, in clause (e), for the brackets and
words "(other than development rebate or deve-
lopment allowance)", the brackets and words "(other
than development rebate or investment allowance
or development allowance)" shall be substituted.

7. Substitution of new sections for section 10.—
For section 10 of the principal Act, the following
sections shall be substituted, namely:—

10. Payment of minimum bonus.—Subject to
the other provisions of this Act, every employer
shall be bound to pay to every employee in res-
pect of the accounting year commencing on any
day in the year 1979 and in respect of every sub-
sequent accounting year, a minimum bonus which
shall be 8.33 per cent. of the salary or wage earned
by the employee during the accounting year or
one hundred rupees, whichever is higher, whether
or not the employer has any allocable surplus in
the accounting year:

Provided that where an employee has not com-
pleted fifteen years of age at the beginning of the
accounting year, the provisions of this section
shall have effect in relation to such employee as
if for the words "one hundred rupees", the words
"sixty rupees" were substituted.

11. Payment of maximum bonus.—(1) Where
in respect of any accounting year referred
to in section 10, the allocable surplus ex-
ceeds the amount of minimum bonus payable
to the employees under that section, the employer
shall, in lieu of such minimum bonus, be bound
to pay to every employee in respect of that
accounting year bonus which shall be an amount
in proportion to the salary or wage earned by
the employee during the accounting year subject
to a maximum of twenty per cent. of such salary
or wage.

(2) In computing the allocable surplus under
this section, the amount set on or the amount set
off under the provisions of section 15 shall be
taken into account in accordance with the pro-
visions of that section.

12. Amendment of section 12.—In section 12 of
the principal Act, for the words and figures "under
section 10", the words and figures "under section 10
or, as the case may be, under section 11," shall be
substituted.

9. Substitution of new section for section 13.—For section 13 of the principal Act, the following section shall be substituted, namely:—

"13. Proportionate reduction in bonus in certain cases.—Where an employee has not worked for all the working days in an accounting year, the minimum bonus of one hundred rupees or, as the case may be, of sixty rupees, if such bonus is higher than 8.33 per cent. of his salary or wage for the days he has worked in that accounting year, shall be proportionately reduced.”.

10. Substitution of new section for section 15.—For section 15 of the principal Act, the following section shall be substituted, namely:—

"15. Set on and set off of allocable surplus.—(1) Where for any accounting year the allocable surplus exceeds the amount of maximum bonus payable to the employees in the establishment under section 11, then, the excess shall, subject to a limit of twenty per cent. of the total salary or wage of the employees employed in the establishment in that accounting year, be carried forward for being set on in the succeeding accounting year and so on up to and inclusive of the fourth accounting year to be utilised for the purpose of payment of bonus in the manner illustrated in the Fourth Schedule.

(2) Where for any accounting year, there is no available surplus or the allocable surplus in respect of that year falls short of the amount of minimum bonus payable to the employees in the establishment under section 10, and there is no amount or sufficient amount carried forward and set on under sub-section (1) which could be utilised for the purpose of payment of the minimum bonus, then, such minimum amount or the deficiency, as the case may be, shall be carried forward for being set off in the succeeding accounting year and so on up to and inclusive of the fourth accounting year in the manner illustrated in the Fourth Schedule.

(3) The principle of set on and set off as illustrated in the Fourth Schedule shall apply to all other cases not covered by sub-section (1) or sub-section (2) for the purpose of payment of bonus under this Act.

(4) Where in any accounting year any amount has been carried forward and set on or set off under this section, then, in calculating bonus for the succeeding accounting year, the amount of set on or set off carried forward from the earliest accounting year shall first be taken into account.”.

11. Amendment of section 16.—In section 16 of the principal Act, in sub-section (1B), for the words “Third Schedule” at both the places where they occur, the words “Fourth Schedule” shall be substituted.

12. Amendment of section 21.—In section 21 of the principal Act, in the *Explanation*, for the words and figures “sections 22, 23 and 25”, the words and figures “sections 22, 23, 24 and 25” shall be substituted.

13. Amendment of section 23.—In section 23 of the principal Act, in sub-section (1), for the word

and figures “section 25”, the words and figures “sections 24 and 25” shall be substituted.

14. Insertion of new section 24.—After section 23 of the principal Act, the following section shall be inserted, namely:—

"24. Audited accounts of banking companies not to be questioned.—(1) Where any dispute of the nature specified in section 22 between an employer, being a banking company, and its employees has been referred to the said authority under that section and during the course of proceedings the accounts of the banking company duly audited are produced before it, the said authority shall not permit any trade union or employees to question the correctness of such accounts, but the trade union or the employees may be permitted to obtain from the banking company such information as is necessary for verifying the amount of bonus due under this Act.

(2) Nothing contained in sub-section (1) shall enable the trade union or the employees to obtain any information which the banking company is not compelled to furnish under the provisions of section 34A of the Banking Regulation Act, 1949.”.

10 of 1949.

15. Amendment of section 27.—In section 27 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

(5) Nothing contained in this section shall enable an Inspector to require a banking company to furnish or disclose any statement or information or to produce, or give inspection of, any of its books of account or other documents, which a banking company cannot be compelled to furnish, disclose, produce or give inspection of, under the provisions of section 34A of the Banking Regulation Act, 1949.”.

10 of 1949.

16. Amendment of section 30.—In section 30 of the principal Act, in sub-section (1), after the words “appropriate Government”, the words and brackets “or an officer of that Government (not below the rank of a Regional Labour Commissioner in the case of an officer of the Central Government, and not below the rank of a Labour Commissioner in the case of an officer of the State Government) specially authorised in this behalf by that Government” shall be inserted.

17. Amendment of section 31A.—In section 31A of the principal Act, in the proviso, for the words “Provided that”, the words “Provided further that” shall be substituted and before the proviso as so amended, the following proviso shall be inserted, namely:—

“Provided that any such agreement or settlement whereby the employees relinquish their right to receive the minimum bonus under section 10 shall be null and void in so far as it purports to deprive them of such right.”.

18. Amendment of section 32. — In section 32 of the principal Act,—

- (a) clause (vii) shall be omitted;
- (b) in clause (ix),
 - (i) sub-clause (ff) shall be omitted;
 - (ii) in sub-clause (g), after the words "financial institution", the brackets and words "(other than a banking company)" shall be inserted.

19. Amendment of the First Schedule. — In the principal Act,—

- (a) the First Schedule shall be renumbered as the Second Schedule and in that Schedule as so renumbered—
 - (i) for the brackets, words and figure "(See section 4)", the brackets, words, figure and letter "[See section 4(b)]" shall be substituted;
 - (ii) in the second column, against Item No. 2, for the entry "(d) Development rebate/Development allowance reserve.", the entry "(d) Development rebate/Investment allowance/Development allowance reserve." shall be substituted;
- (b) before that Schedule as so renumbered, the following Schedule shall be inserted, namely:—

"THE FIRST SCHEDULE

[See section 4(a)]

Computation of Gross Profits

Accounting year ending

Item No.	Particulars	Amount of sub-items	Amount of main items	Remarks
		Rs.	Rs.	

*1. Net Profit as shown in the Profit and Loss Account after making usual and necessary provisions.

2. Add back provision for:

- (a) Bonus to employees.
- (b) Depreciation.
- (c) Development Rebate Reserve.
- (d) Any other reserves.

Total of Item No. 2 Rs. _____

See foot-note (1)
See foot-note (1)

3. Add back also:

- (a) Bonus paid to employees, in respect of previous accounting years.

See foot-note (1)

* Where the profit subject to taxation is shown in the Profit and Loss Account and the provision made for taxes on income is shown, the actual provision for taxes on income shall be deducted from the profit.

Item No.	Particulars	Amount of sub-items	Amount of main items	Remarks
		Rs.	Rs.	
(b)	The amount debited in respect of gratuity paid or payable to employees in excess of the aggregate of— <ul style="list-style-type: none"> (i) the amount, if any, paid to, or provided for payment to, an approved gratuity fund; and (ii) the amount actually paid to employees on their retirement or on termination of their employment for any reason. 			
(c)	Donations in excess of the amount admissible for income-tax.			
(d)	Capital expenditure (other than capital expenditure on scientific research which is allowed as a deduction under any law for the time being in force relating to direct taxes) and capital losses (other than losses on sale of capital assets on which depreciation has been allowed for income-tax).			See foot-note (1)
(e)	Any amount certified by the Reserve Bank of India in terms of sub-section (2) of section 34A of the Banking Regulation Act, 1949.			10 of 1949
(f)	Losses of, or expenditure relating to, any business situated outside India.			
	Total of Item No. 3	Rs.		
4.	Add also income, profits or gains (if any) credited directly to published or disclosed reserves, other than— <ul style="list-style-type: none"> (i) capital receipts and capital profits (including profits on the sale of capital assets on which depreciation has not been allowed for income-tax); (ii) profits of, and receipts relating to, any business situated outside India; (iii) income of foreign banking companies from investments outside India. 			
	Net total of Item No. 4.	Rs.		
5.	Total of Item Nos. 1, 2, 3 and 4.	Rs.		

Item No.	Particulars	Amount of sub-items	Amount of main items	Remarks
		Rs.	Rs.	
6. Deduct:				
(a) Capital receipts and capital profits (other than profits on the sale of assets on which depreciation has been allowed for income-tax).			See foot-note (2)	
(b) Profits of, and receipts relating to, any business situated outside India.			See foot-note (2)	
(c) Income of foreign banking companies from investments outside India.			See foot-note (2)	
(d) Expenditure or losses (if any) debited directly to published or disclosed reserves, other than —				
(i) capital expenditure and capital losses (other than losses on sale of capital assets on which depreciation has not been allowed for income-tax);				
(ii) losses of any business situated outside India.				
(e) In the case of foreign banking companies proportionate administrative (overhead) expenses of Head Office allocable to Indian business.			See foot-note (3)	
(f) Refund of any excess direct tax paid for previous accounting years and excess provision, if any, of previous accounting years relating to bonus, depreciation, or development rebate, if written back.			See foot-note (2)	
(g) Cash subsidy, if any, given by the Government or by any body corporate established by any law for the time being in force or by any other agency through budgetary grants, whether given directly or through any agency for specified purposes and the proceeds of which are reserved for such purposes.			See foot-note (2)	
Total of Item No. 6.		Rs.		
7. Gross Profits for purposes of bonus (Item No. 5 minus Item No. 6).		Rs.		

Explanation.—In sub-item (b) of Item 3, "approved gratuity fund" has the same meaning assigned to it in clause (5) of section 2 of the Income-tax Act.
Foot-notes—

(1) If, and to the extent, charged to Profit and Loss Account.

(2) If and to the extent, credited to Profit and Loss Account.

(3) In the proportion of Indian Gross Profit (Item No. 7) to Total World Gross Profit (as per Consolidated Profit and Loss Account adjusted as in Item No. 2 above only).

20. Amendment of the Second Schedule.—In the principal Act, the Second Schedule shall be renumbered as the Third Schedule and in that Schedule as so renumbered,—

(a) in column (2), against Item No. 1, for the word "Company", the words "Company, other than a banking company" shall be substituted;

(b) after Item No. 1 and the entries relating thereto, the following item and entries shall be inserted, namely:—

(1)	(2)	(3)
	"2 Banking company	(i) The dividends payable on its preference share capital for the accounting year calculated at the rate at which such dividends are payable.
		(ii) 7.5 per cent, of its paid up equity share capital as at the commencement of the accounting year;
		(iii) 5 per cent, of its reserves shown in its balance-sheet as at the commencement of the accounting year, including any profits carried forward from the previous accounting year;
		(iv) any sum which, in respect of the accounting year, is transferred by it—
		(a) to a reserve fund under sub-section (1) of section 17 of the Banking Regulation Act, 1949; or
		(b) to any reserves in India in pursuance of any direction or advice given by the Reserve Bank of India,

whichever is higher:

Provided that where the banking company is a foreign company within the meaning of section 591 of the Companies Act, 1956, the amount to be deducted under this Item shall be the aggregate of—

(i) the dividends payable to its preference shareholders for the accounting year at the rate at which such dividends are paya-

10 of 1949.

1 of 1956.

(1)	(2)	(3)
		ble on such amount as bears the same proportion to its total preference share capital as its total working funds in India bear to its total world working funds;
(ii)	7.5 per cent. of such amount as bears the same proportion to its total paid up equity share capital as its total working funds in India bear to its total world working funds;	
(iii)	5 per cent. of such amount as bears the same proportion to its total disclosed reserves as its total working funds in India bear to its total world working funds;	
(iv)	any sum which, in respect of the accounting year, is deposited by it with the Reserve Bank of India under sub-clause (ii) of clause (b) of sub-section (2) of section 11 of the Banking Regulation Act, 1949, not exceeding the amount required under the aforesaid provision to be so deposited.;	
10 of 1949.		

(c) in the *Explanation*, for the figures, brackets and word "1(iii) and 3(ii)", the figures, brackets and word "1(iii), 2(iii) and 3(ii)" shall be substituted.

21. Substitution of new Schedule for the Third Schedule.—For the Third Schedule to the principal Act, the following Schedule shall be substituted, namely:—

"THE FOURTH SCHEDULE
(See sections 11, 15 and 16)

In this Schedule, the total amount of bonus equal to 8.33 per cent. of the annual salary or wage payable to all the employees is assumed to be Rs. 1,04,167. Accordingly, the maximum bonus to which all the employees are entitled to be paid (twenty per cent. of the annual salary or wage of all the employees) would be Rs. 2,50,000.

Year	Amount equal to sixty per cent. or sixty-seven per cent. as the case may be, of available surplus allocable as bonus	Amount payable as bonus	Set on or set off of the year carried forward	Total set on or set off carried forward	
(1)	(2)	(3)	(4)	(5)	
1	Rs. 1,04,167	Rs. 1,04,167**	Nil	Nil	
2	6,35,000	2,50,000*	Set on 2,50,000*	Set on 2,50,000	(2)
3	2,20,000	2,50,000* (inclusive of 30,000 from year-2)	Nil	Set on 2,20,000	(2)
4	3,75,000	2,50,000*	Set on 1,25,000	Set on 2,20,000 1,25,000	(2) (4)

(1)	(2)	(3)	(4)	(5)	(2) (4)
5	1,40,000	2,50,000* (inclusive of 1,10,000 from year-2)	Nil	Set on 1,10,000	1,25,000
6	3,10,000	2,50,000*	Set on 60,000	Set on Nil†	(2) (4) 1,25,000 60,000
7	1,00,000	2,50,000* (inclusive of 1,25,000 from year-4 and 25,000 from year-6)	Nil	Set on 35,000	(6)
8	Nil (due to loss)	1,04,167** (inclusive of 35,000 from year-6)	Set off 69,167	Set off 69,167	(8)
9	10,000	1,04,167**	Set off 94,167	Set off 69,167	(8) (9)
10	2,15,000	1,04,167** (after setting off 69,167 from year-8 and 41,666 from year-9)	Nil	Set off 52,501	(9)

Notes.— *Maximum.

†The balance of Rs. 1,10,000 set on from year-2 lapses.

**Minimum.”.

N. SANJIVA REDDY,
President.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.

Notification

7/1/80-LGL

The following Notifications received from the Government of India, New Delhi are hereby republished for general information of the public.

R. V. Durbhatker, Under Secretary (Law).

Panaji, 9th September, 1980.

GOVERNMENT OF INDIA

(BHARAT SARKAR)

MINISTRY OF LABOUR

(SHRAM MANTRALAYA)

Dated New Delhi-1, the 5th August, 1980.

Notification

S. O.—In pursuance of sub-section (2) of section 3 of the Workmen's Compensation Act, 1923 (8 of 1923), the Central Government hereby makes the following amendment in the notification of the

Government of India in the Ministry of Labour
No. S. O. 2971, dated the 9th December, 1961,
namely:—

In the Table to the said notification, against
silicosis, for the entry under column 3 "6 months"
shall be substituted.

(No. S-37025/1/80-HI)

(HANS RAJ CHHABRA)
Deputy Secretary.

Dated New Delhi, the 9-12-1961.

Notification

S. O. 2971 — In pursuance of sub-section (2) of section 3 of the Workmen's Compensation Act, 1923 (8 of 1923), the Central Government hereby specifies that, in relation to the disease specified in column (1) of the Table below, a workman whilst in the service of one or more employers in any employment specified in the corresponding entry in column (2) of that Table should have been employed for such continuous period as is specified against each in column (3) thereof:—

TABLE

(1)	(2)	(3)
Disease	Employment	Period
Silicosis	Any employment involving exposure to the inhalation of dust containing silica	Five years
Coal Miners' Pneumo-coniosis	Any employment in coal mining	Seven years

(1)	(2)	(3)
Disease	Employment	Period
Asbestosis	Any employment in— (i) the production of: (a) fibro cement materials; or (b) asbestos mill board; (ii) the processing of ore containing asbestos	Three years
Bagassosis	Any employment in the production of bagasse mill board or other articles from bagasse.	Three years

(F. No. 533(4)/61-Fac.)

Sd/-

SHAH AZIZ AHMED
Deputy Secretary.

Dated New Delhi, the 2nd August, 1980.

Corrigendum

In the notification of the Government of India in the Ministry of Labour No. G. S. R. 676, dated the 7th June, 1980 published at page 1398 of the Gazette of India, Part II, Section 3, Sub-section (i), dated the 21st June, 1980, at page 1398, in lines 23 and 24, for "approved by the Central Government" read "approved by the Central Government or to such other Fund as the Central Government".

(R. K. A. SUBRAMANYA)
Additional Secretary.

(No. S-32012/2/73-WC(MW))